

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott C. Harris	Group Art Unit 3624
Appl. No.	:	10/065,327	
Filed	:	October 3, 2002	
For	:	WEB BASED COMMUNICATION OF INFORMATION WITH RECONFIGURABLE FORMAT	
Examiner	:	T. T. Havan	

PAPER REQUESTING REINSTATEMENT OF APPEAL

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the official action dated September 20, 2006, Applicant herewith requests reinstatement of the previous appeal. A supplemental appeal brief is concurrently filed.

With all due respect, the undersigned believes that the patent office has not provided a fair examination, as is evidenced by the patent office's acquiescence in the scope and contents of Vlahoplus only AFTER an appeal brief was filed, with not a single word in the claims being changed in the interim. A new reference that is wholly irrelevant to the claims is now cited, as evidenced from the attached appeal brief. The undersigned believes that appeal is the only way that a fair examination can be obtained.

Appl. No. : **10/065,327**
Filed : **October 3, 2002**

This should be evidenced from the sequence of events. A final rejection in January of 2006, in which on page 2 of that official action, basically the first things said by the patent office, is that "Vlahoplus teaches selecting execution of a prestored sequence of action based on single actuation" (sic). The undersigned disagreed then and continues to disagree. Therefore, the undersigned filed a request for appeal conference on April 3, 2006 which was not found persuasive, and followed up with an appeal brief on July 5, 2006. Neither of these changed even a single word in the claim.

In response to the appeal brief, however, the patent office now admits that "Vlahoplus does not explicitly teach a single actuation" see page 3 of the September 20, 2006 office action, second paragraph first line. Another words, the patent office now admits the error of the previous rejection (that was about to be appealed), but has attempted to cite a secondary reference to show this. As explained in the accompanying appeal brief, there is not a single word about why there would be motivation to make the hypothetical combination of prior art, and even if made, it would not render obvious the claims. Based on the patent office's refusal to provide a consistent examination, it is believed that appeal is the only way that applicant will obtain a fair and balanced examination of the issues in this case.

Accordingly, a speedy review by the Board of appeals is respectfully requested.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

Date: 12/19/06

/Scott C Harris/
Scott C. Harris

Appl. No. : **10/065,327**
Filed : **October 3, 2002**

Reg. No. 32,030

Customer No. 23844
Scott C. Harris, Esq.
P.O. Box 927649
San Diego, CA 92192
Telephone: (619) 823-7778
Facsimile: (858) 678-5082